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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Fifty-eighth session

Summary record (partial)* of the 1224th meeting
Held at the Palais des Nations, Geneva, on Friday, 4 July 2014, at 3 p.m.

Chairperson: Ms. Ameline

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Second periodic report of the Syrian Arab Republic (continued) (CEDAW/C/SYR/2; CEDAW/C/SYR/Q/2 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Syrian Arab Republic took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Leinarte** asked what measures had been taken to promote the use of shelters for women victims of violence and comprehensively address domestic violence in the State party given the exacerbation of violence against women as a result of the conflict. She also wished to know what specific measures had been taken to modify the deep-rooted, negative gender stereotypes of women which hindered the achievement of de facto equality between women and men in the State party. Would research be undertaken to assess and analyse the different forms of violence against women during the conflict so as to establish mechanisms which addressed the negative impact of the conflict on the lives of women and girls, protected them from violence and ensured that the entrenched discrimination against them was not further exacerbated throughout the territory of the State party?

3. **Ms. Haidar** asked for further information on the recent general amnesty granted to prisoners. How many women prisoners had been amnestied and what form had the amnesty taken?

4. **Ms. Al Shammat** (Syrian Arab Republic) said that the Government had worked in partnership with women's organizations to establish national shelters that were readily available and fully accessible to women victims of violence. It had also conducted a range of awareness-raising activities to encourage women to come forward and seek protection. At the present time, many of the women victims of violence had been subjected to violence after they had been handed over to armed groups by male members of their own families.

5. The Government had taken the necessary measures to amend the Criminal Code so that perpetrators of crimes against women during the conflict could be prosecuted and punished accordingly. It also intended to draft a comprehensive national act on violence against women in the near future.

6. **Ms. Essa** (Syrian Arab Republic) said that inaccurate media reports had played a major role in the intensification of the conflict and had given a false impression of the situation on the ground. Members of extremist religious groups had imposed their own discriminatory customary beliefs on residents of areas that lay outside the Government's control. Several independent studies had been carried out on the impact of the ongoing hostilities on women and she would provide the Committee with data on their results at a later date.

7. The Government had taken a series of measures to combat negative gender stereotypes in schools, such as promoting gender equality in primary and secondary school textbooks and incorporating lessons on human rights into the national school curriculum. Universities continued to function despite the ongoing conflict and women made up 50 per cent of the total number of university students. The Government was aware that coordinated action was required at the national level in order to combat negative gender stereotyping and efforts had been made in partnership with civil society organizations to address discriminatory customary law.

8. The Government had taken a number of measures to protect women human rights defenders and to ensure that women could continue to play a key role in political life. It was wrong to suggest that the Syrian army had used air strikes and improvised explosive devices against the civilian population; its sole aim during the conflict had been to restore peace to the country.

9. **Ms. Al Shammat** (Syrian Arab Republic) stressed that no amnesty had been granted to perpetrators of sexual violence against women in the context of war.

10. **Ms. Akkach** (Syrian Arab Republic) said that between 35,000 and 40,000 prisoners had benefited from the amnesty decrees that had been enacted in recent years, including a large number of women.

11. **Ms. Patten** asked the delegation to provide further information on the number of women human rights defenders detained under the anti-terrorism law of 2012. What steps had been taken to address the disproportionate impact on women of the air strikes with explosive weapons that had been carried out, particularly those involving shrapnel-filled "barrel bombs" in Aleppo and elsewhere, which had been widely condemned by the international community?

12. **Ms. Al Shammat** (Syrian Arab Republic) said that the Government had not carried out any air strikes against residential areas of any kind, much less with so-called barrel bombs. In fact the military had taken great pains to avoid any combat in residential areas, and the presence of civilians was a reason why it had been unable to bring the war to an end. The Government worked with the Red Crescent Society to ensure that no fighting occurred in civilian areas, which were considered to be any place where there were women and children.

13. The city of Aleppo had been under siege by armed groups and cut off from the rest of the country, which had prevented the Government from getting assistance to its inhabitants. In various districts of Adra', armed groups that had entered the country had used civilians as human shields, which had also prevented the Government from intervening to protect the civilian population.

14. **Ms. Mahmoud Alasmar** (Syrian Arab Republic) said that her delegation could provide detailed up-to-date data on the many accredited human rights defenders who were known to the Government in writing. The amnesty referred to earlier covered women and young offenders, who fell under the jurisdiction of juvenile courts and were placed in institutions run by civil society organizations. Steps had also recently been taken to establish a rehabilitation centre for women and young offenders to ensure that they were successfully reintegrated into society.

15. **The Chairperson**, speaking in her capacity as an expert, asked whether the State party had established an emergency plan to protect the lives of women and children during the conflict given its obligation, as outlined in general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, to apply the Convention in all crisis situations, including during conflict.

16. She wished to know what measures had been taken or were envisaged to incorporate a human rights and a gender perspective into the peace and reconstruction efforts in the State party. She also enquired as to whether the Government had taken steps to ensure the effective and meaningful participation of women and women's organizations in preparations for a peace process, peace negotiations and post-conflict reconstruction as well as in elections at all levels. Lastly, she asked whether specific measures had been taken to protect women human rights defenders and NGO workers against reprisals.

17. **Ms. Al Shammat** (Syrian Arab Republic) said that, despite the war, rural and underprivileged women had taken an active part in the June 2014 presidential elections and

that measures had been taken to ensure that women could freely exercise their right to vote without interference from male family members. The Government had always been a proponent of women's right to participate in political life and it fully intended to involve them in the peace process, take steps to further empower women and girls and expand their role in society. Women held prominent positions in a number of political parties and two had run in the presidential elections. Although the country was many years away from electing a female president, a shift in the general attitude towards women in politics was under way. Women human rights defenders were not punished for their activism; however, the Government did issue warnings to those who made baseless or misguided accusations on television.

18. **Ms. Haidar**, noting that the right to nationality was a fundamental pillar of human rights, without which no other rights could be enjoyed, said that there was an urgent need to amend the Nationality Act to ensure that women enjoyed the right to pass on their nationality and children were not left stateless. The issue was particularly pressing given the prevalence of women who had given birth to children as a result of *jihad al-nikah*, or what was commonly referred to as sexual jihad, and were unable to pass on their nationality. She asked what was being done for Syrian Kurdish refugees fleeing the conflict who did not have passports or other identity documents. What steps had been taken to ensure that the nationality of children born to Syrian mothers in refugee camps was duly recognized? She invited the delegation to comment on reports that opposition supporters living abroad were being denied the renewal of their passports.

19. Turning to the issue of women's employment, she asked why so few women made up the labour force and requested additional information on women in the informal and agricultural sectors. She also sought clarification of reports that a large number of workers had been unfairly dismissed in Al-Suwayda'.

20. **Ms. Al Shammat** (Syrian Arab Republic) her Government was not awaiting the end of the war to tackle the crucial issue of nationality. Efforts had been under way to bring all national laws into conformity with the Constitution, which stipulated that all citizens had equal rights. Everyone was entitled to challenge laws that violated those rights before the courts, including the right to nationality. The proposed amendments to the nationality law currently pending had been held up because the draft had contained conditions that were not equal for all citizens. The Government was seeking to enact laws that would address war-related phenomena such as victims of sexual jihad and children born in camps and conflict zones.

21. Syrian Kurds were granted the right to nationality under legislation adopted in 2011. They were part and parcel of Syrian society. The Government was well aware of their need for appropriate identity documents. It was incumbent on it to protect Kurdish women, including in areas dominated by armed groups. The Government was also working to streamline the naturalization process. Lastly, the Ministry of Foreign Affairs and Expatriates was tackling the problem of passport renewal, including for human rights defenders living abroad, and all Syrian nationals were free to return whenever they wished.

22. Turning to the question raised about dismissals, she said that the workers in Al-Suwayda' had been dismissed because they had been absent from work without justification for more than the maximum period stipulated by law. She did not have any specific data on the number of women involved, but would inquire into the dismissals and whether there had been any discrimination and provide the Committee with the findings in writing.

23. **Ms. Essa** (Syrian Arab Republic) said that some Syrians might encounter difficulties in renewing their passports because they lived in countries without a Syrian diplomatic presence, but all nationals who wished to return to the country were welcome, provided that

it was not for the purpose of undermining the State. She stressed that many of the population's current hardships were attributable to international sanctions, which were preventing the country from returning to normality.

Articles 10 to 14

24. **Ms. Al-Jehani** asked how the Government continued to ensure that all nationals, including refugees and internally displaced persons, had access to education despite the war and whether it would recognize any education that refugees might receive while abroad. She encouraged the State party to repeal the discriminatory provisions that contributed to unequal educational attainment among men and women.

25. **Ms. Neubauer** commended the State party on the progress achieved in women's health prior to the conflict. However, the Committee was now concerned at the disruption of health-care services, the deliberate destruction of medical infrastructure and the increase in maternal and infant mortality rates as a result of the hostilities. In that light, she asked what emergency measures the Government was taking or considering to ensure access to health care, including sexual and reproductive health care and psychological assistance for women, especially survivors of violence. She also asked what efforts were being made to address women's lack of autonomy in decision-making regarding their sexual and reproductive health. She wished to know what measures the Government was taking to stem the rise in early marriages among internally displaced persons and refugees. Drawing the delegation's attention to the Committee's general recommendation No. 24, she asked whether the State party intended to amend its strict abortion laws to authorize the termination of pregnancies resulting from rape, abuse and incest and to rescind punitive measures against women who sought abortions.

26. **Ms. Al Shammat** (Syrian Arab Republic) said that the Government had taken the necessary measures to guarantee access to education despite the conflict and ensure that all children were enrolled in school regardless of whether they came from refugee families.

27. **Ms. Mahmoud Alasmar** (Syrian Arab Republic) said that an Internet-based initiative would be launched in 2015 to enable children living abroad to follow the Syrian curriculum and that a system had been set up to help children forced to change schools because of the conflict to make their transition as seamless as possible. Programmes were also in place to enable women who had married and given up their educational career at an early age to resume their studies.

28. **Ms. Al Khatib** (Syrian Arab Republic) said that hospitals continued to provide a breadth of services, which remained free of charge despite the mass destruction of medical infrastructure, the targeting of health-care professionals and the lack of medicine and equipment. In addition, information on sexual and reproductive health issues was being provided to the public.

29. **Ms. Al Shammat** (Syrian Arab Republic) said that the Government was providing medical services and running vaccination campaigns in conflict areas, with the support of the Red Crescent Society.

30. **Ms. Haidar** asked how the State party could ensure that an entire generation, including refugees in host countries, would not grow up without attending school. She asked how many schools had been destroyed and how many had been used as refugee centres. She sought clarification of reports that schoolchildren had been interrogated in school about their parents' political beliefs.

31. **Ms. Al Shammat** (Syrian Arab Republic) said that several thousand schools had been destroyed, and that nearly a thousand others had been turned into shelters. There were children in certain hotspots who were afraid to go to school because they were being

interrogated about their parents' political allegiances by members of the Islamic State of Iraq and Al-Sham (ISIS). The teachers were from the same regions as the students and were also threatened by ISIS. Her Government shared the same concerns as the Committee and did not wish to see an entire generation miss out on an education. Children from internally displaced families were issued the appropriate documents to receive medical care and certify that they were indeed enrolled in school. The authorities were highly concerned by the current situation and strongly believed that children, particularly girls, should be in school.

32. **Ms. Mahmoud Alasmar** (Syrian Arab Republic) said that teachers in the governorates in the eastern part of the country were paid double the regular salary as an incentive to recruit teachers to the area and remedy the shortage of staff.

33. **Ms. Pomeranzi** noted that the approximately 5 million women living in rural areas had been particularly marginalized even before the outbreak of the current conflict. She also noted that the State party's report had referred to a series of initiatives taken between 2007 and 2011 to train and support rural women and wished to know what had become of the management of those projects and how they were being implemented. Given that women living in rural areas were being disproportionately affected by the conflict, she asked whether initiatives addressing the situation of rural and other vulnerable women had been planned and whether the representation of rural women in regional institutions and mechanisms would be increased, in accordance with Security Council resolution 1325 (2000), to enable them to participate in their own rehabilitation and empowerment.

34. **Ms. Mahmoud Alasmar** (Syrian Arab Republic), noting that she herself came from a rural area, said that before the war there had been programmes, run with the support of international partners, for the empowerment of women and rural development. One such programme, sponsored by the First Lady, had targeted 233 of the poorest villages, and many of its projects had been led by women. However, it was largely impossible to say how many women had benefitted from the programme, as the relevant documents had been burned. Some rural areas remained hotspots, but in Al-Raqqah Governorate, for instance, the Government had partnered with the Food and Agriculture Organization to distribute gardening kits, particularly to women. Many rural women had become sole breadwinners when their husbands had left them to take up arms, and some had become involved in prostitution. The Government was able introduce empowerment programmes to women in the governorates of Al-Suwayda', Tartus and Latakia, which were considered relatively safe and enjoyed a relatively wide range of services.

35. **Ms. Kuteit** (Syrian Arab Republic) said that US$ 200,000 had been earmarked to help rural women, that they had been granted soft loans and that they had received training on how to run micro-enterprises. In addition, campaigns to eradicate illiteracy and empower rural women had been mounted, especially in the northern and eastern areas of the country; however, armed groups had been targeting those very areas, which were considered the country's breadbasket. As a result, the Government, in cooperation with civil society, had formulated a plan that would encourage women in rural areas to start their own businesses and to market their own produce, thus empowering those women and responding to the attacks on rural areas.

36. **Ms. Halperin-Kaddari** wished first to emphasize the close connection between the formal legal situation and conflict-driven sexual violence. She noted that the legal framework that permitted child marriage, which would be more accurately described as rape masquerading as marriage, legitimized those marriages to the point that neighbouring countries hosting Syrian refugees were apparently considering allowing such forced marriages. Turning to the issue of child custody, she acknowledged that the issue of Syrian women who were unable to pass their nationality on to their children and who thus found themselves trapped had already been discussed, but she noted that such women were not the

only ones who were trapped. Many divorced women, for instance, were in similar situations, as the custody of children, pursuant to a discriminatory article of the Personal Status Law, was customarily awarded to the father or to a male member of the father's family. Yet another discriminatory article of the Personal Status Law prevented even married women from travelling with their children without the father's consent. All those provisions were detrimental to women attempting to flee with their children.

37. Regarding impunity for sexual offenders, she said that she was aware of the supposed amendment to the article of the Penal Code that still recognized mitigating circumstances for so-called honour killings and wished to know whether that article had indeed been amended. In addition, there were lesser punishments for rapists who married their victims and the definition of rape in the Penal Code did not include marital rape. Those provisions contributed to the ongoing sexual exploitation of women and girls, especially in refugee camps. Those issues, as well as polygamy, still legal in the State party, had been dealt with in the Committee's previous concluding comments, but they had become even more urgent now. In that connection, she asked whether the Syrian Government had made any efforts to implement the previous concluding comments. In addition, she requested that the State party should treat honour crimes like any other crimes and wished to know what specific steps the Government had taken to discourage honour killings. She likewise wished to reiterate the Committee's request for data on convictions and sentences regarding honour crimes. She asked whether the Government intended to take measures to ensure that girls, especially refugees, were not coerced into marriage, to amend the provisions of the Personal Status Law regarding child custody, and to repeal the provisions allowing for mitigating circumstances for rapists who married their victims. Lastly, was the Government intending to repeal the section of the Penal Code that excluded marital rape from its definition of rape?

38. **Ms. Akkach** (Syrian Arab Republic) said that, a decree of the Ministry of Justice had been issued with a view to amending the discriminatory articles of the Personal Status Law. In particular, the law would be amended to raise the minimum age for marriage to 21. For boys, it had already been raised from 13 years of age to 15. Regarding custody, she said that in recent years, there had been a large number of cases in which mothers had been awarded custody of their children. After the initial custody period, children were asked whether they preferred to stay with their father or their mother. In addition, the law did not prevent mothers from travelling to safer areas with their children, especially if it was necessary to save their lives.

39. **Ms. Neubauer** said that most of her questions, especially those regarding women's reproductive health, had not been answered. She therefore asked again whether the Government intended to review its legislation with a view to eliminating legal restrictions on abortion in cases of rape or incest and to remove punitive provisions imposed on women who had abortions.

40. **Ms Šimonović** requested additional information on the initiative to have rape made a war crime in war zones. What were the expected results of that initiative? She also said that she was concerned by the delegation's frequent references to sexual jihad and to the children of sexual jihad, as such references tended to stigmatize those children from the outset. Children should start their lives without stigmatization, and it was thus necessary to choose one's words with great care.

41. **Ms. Al Shammat** (Syrian Arab Republic) said that while rape was not a ground on which abortion was permitted, no case of abortion performed as a result of rape had ever come before the courts. Nor was abortion ever compulsory, not even in the case of young women under the age of 18 who became pregnant as a result of what were known as *al-nikah* or jihadist marriages. Such persons were free to decide whether they wished to keep their baby or not. If they chose to keep the child, they were provided with comprehensive

care until term and assistance to help them to reintegrate into society. The authorities made every effort to ensure that the care for such women was confidential and no information was released to their family members.

42. A law defining rape in conflict zones as a war crime would soon be enacted. Efforts were also being made to raise awareness among the police about female victims of human trafficking coming from war zones.

43. **Ms. Mahmoud Alasmar** (Syrian Arab Republic) said that in deciding custody cases judges considered above all the best interests of the child. In many cases, custody had been awarded to the mother. In general, children were placed in the custody of the mother until the age of 18 in accordance with recent legislation on the rights of the child. A family council supervised custody arrangements, and in some cases related matters could be brought before a religious judge.

44. Regarding reproductive health, she said that the Government, together with civil society, was piloting a comprehensive health-care project, including reproductive health, in temporary residential areas in Homs and Damascus. If the pilot succeeded, it would be replicated elsewhere.

45. **Ms. Al Shammat** (Syrian Arab Republic) said that Syrian women had suffered greatly and that the State party could not afford them greater protection unless the world put up a united front against terrorism. They would continue to suffer if Arab countries and the West did not stop sending money and weapons to the armed groups.

46. **The Chairperson** said that although it had clearly and tragically worsened the plight of Syrian women, the conflict alone was not at fault. She reminded the delegation that it had acknowledged as much when it mentioned the difficulties of implementing the Convention, which, together with restoration of the rule of law, struck the Committee as the most effective bulwark against extremism and the necessary condition for lasting peace.

The discussion covered in the summary record ended at 5.05 p.m.